

WOMEN IN WAR AND AT WAR – RECENT DEVELOPMENTS

DAY 1 – THURSDAY 18th SEPTEMBER 2014

University of Warwick, Scarman House

MORNING

8:30 – 9:15 Registration and Coffee/Tea

9:15 – 9:30 Welcome Address

9:30 – 10:30 Session 1 (Meeting Room 5): Keynote by Professor Christine Chinkin (LSE) on ‘Fighting Impunity: the Preventing Sexual Violence Initiative and the Istanbul Convention’.

10:30 – 10:40 Welcome from Professor Alan Norrie (Head of Law School)

10:40 – 11:00 COFFEE/TEA BREAK

11:00 – 12:30 Session 2: Women’s Experiences of War

Meeting Room 5 – Women’s Experiences of War chaired by Professor Jackie Hodgson (School of Law, University of Warwick)

1. Sarah Cotton (ICRC), *Women Facing War: Vulnerabilities, the law and humanitarian response*

The International Committee of the Red Cross is one of the oldest humanitarian organisations in the world, which for 150 years has sought to provide assistance and protection to men, women and children in armed conflict and other situations of violence. Women and girls face a multitude of challenges and threats in times of violence which can and do cause great suffering to individuals, family units and the community at large. In this presentation the author will outline some of the vulnerabilities faced by women and girls in conflict and explore the rights and protections given in response to these problems by international humanitarian law. She will then look at the example of women headed households in Iraq to explore the steps that can be taken to provide relief to those living in the shadow of war, and where humanitarian assistance reaches its limit.

2. Lauren Vogel (Griffith University), *The Roles of Women in Contemporary Political and Revolutionary Conflict around the World: A Thematic Model* (Co authors: Dr Louise Porter (School of Criminology and Criminal Justice, Griffith University) and Professor Mark Kebbell (School of Psychology, Griffith University).

Whilst there has been a recent increase in scholarly and policy interest in women’s involvement in conflict, contemporary research on the topic continues to demonstrate significant limitations and gendered approaches. There is a lack of quality empirical work that examines women as participants in conflict, beyond isolated but high impact and sensationalist cases. Women’s *en masse* participation is generally dismissed as unimportant and women performing these tasks are usually portrayed – not as soldiers or combatants – but as filling auxiliary support roles. As a



result of these limitations, the range of ways through which women participate in conflict is not well understood or explored. Accordingly, this completed doctoral research systematically documented the full range of activities that women performed whilst involved in a variety of political and revolutionary conflicts around the world since 1960. Based on the findings, a comprehensive statistically-derived model is proposed consisting of four broad roles that women play in conflict: *active*, representing fighting and leadership activities; *caring*, representing traditional feminine tasks; *support*, representing practical tasks that support any military structure, and; *ideological*, representing activities focused on propagating the ideology of the group. The utility of this model in understanding trends in female participation in conflict will be illustrated by exploring how the model varies according to context, for example according to world region and type of conflict.

3. Tarsila Talarico (University of Baltimore School of Law) *Inclusion to Exclusion: Women in Syria* (Co-author: Catherine Moore, University of Baltimore School of Law)

This paper will discuss the reasons for the shift from the inclusion of women as active participants in the Syrian revolution to their exclusion and marginalization throughout the conflict and during the recent Geneva II peace negotiations. It will address how the lack of participation of women is actually hindering the peace process, drawing on the role of women, more generally and historically, in conflict resolution. Finally, the paper will provide best practices from prior conflicts and ways in which policymakers can improve participation of women in the peace process in Syria.

4. Dr. Kasey McCall-Smith (University of Edinburgh), *Preying on Women: Gender-Based Conflict Strategies in Syria*, (Co-author Dr. Jamil Ammar, Damascus University)

This paper will examine gender-based strategies preying on women for the sole purpose of creating a culture of fear and mistrust as the Syrian conflict continues to rage. A survey of the human rights and humanitarian law to which Syria is bound will first be presented before outlining a number of ways in which women in particular are bearing a heavy burden as the target of multi-pronged assaults on their dignity and personal security. It will begin by looking at women as faux soldiers, a tactic used by the Assad regime as a tool to generate support. Threats of rape and sexual assault as spoils to the victor will be examined next as a tool for fuelling sectarianism, particularly among minorities. Finally it will look at the kidnapping, arrest and disappearance of women as a measure designed to force male family members to surrender to authorities. It will conclude with a comment on the cumulative impact of these strategies on the women of Syria.

Meeting Room 3 – Women’s Experiences of War and the Arab Spring chaired by Professor Ryszard Wilson Piotrowicz (Department of Law and Criminology, Aberystwyth University)

1. Tamara Kool, (Maastricht Graduate School of Governance and United Nations University), *Closing the Gender Gap: A Closer Look at the Impact of Burundi Conflict and their role in Economic Recovery*

Conflict has a detrimental effect on structures of the local communities and current research shows that the direct and indirect effects of conflict are even more destructive for women (Plümber and Neymayer, 2006; Mazurana and Proctor, 2013). While in the past decade, the



call for a gender focus in (post-)conflict has acquired international attention with the adoption of Women, Peace and Security Resolutions by the Security Council, the issue is still understudied. Often the interlinkage between the political empowerment of women and violence against women, and the economic position of women is overlooked. Buvinic et al (2013) provide a framework on the two-stage impact of violent conflict on respectively men and women, in which the coping strategies with regards to the direct and indirect effects of conflict will result, in amongst other, political and civic participation. This integrated effect stresses the importance to understand the role of women in post-conflict economy and its relationship to 'social services justice' (Ní Aolain et al, 2011). This research will build upon this framework and aims to address this issue by addressing the question which obstacles and opportunities women face in terms of economic participation during and after conflict? The theoretical framework will be supported by a case study analysis on the recent conflict in Burundi using in-depth interviews and desk research.

2. Diana Sankey (Liverpool John Moores University), *Rural Women in Post-Conflict Situations: Contesting Current Models of Justice and Peace-Building through the Concept of "Peasants' Rights"*

Violence centred on forced displacement and destruction of homes and livelihoods has been widely perpetrated in recent conflicts. Due to traditional gendered roles, women are often disproportionately targeted and affected, and may experience such violence differently from men. Women in developing countries play a crucial role in rural economies, producing an estimated sixty to eighty percent of food. Nevertheless, women often continue to experience discrimination in ownership of land and homes and in access to socio-economic resources, which feeds into experiences of forced displacement and presents problems for regaining homes and livelihoods in the aftermath of conflict. The paper focuses on rural women's particular post-conflict needs, issues that have often been obscured in transitional justice praxis. Indeed, despite some increased focus on socio-economic rights, transitional justice has continued to present a narrow understanding of gendered harm, centred on sexual violence, which has marginalized other experiences and needs of rural women. The paper explores recent articulations of "peasants' rights", developed by the Food Sovereignty movement, and the possible relevance of such alternative, grassroots framings of rights in transitional settings. While cautious in relation to the ability of the concept of "peasants' rights" to provide any form of "solution" to women's concerns, the paper examines whether the concept could provide a basis from which to contest existing models of transitional justice and peace-building that have tended to promote liberal policies and traditional development models, often to the detriment of rural women's needs.

3. Anicée van Engeland (SOAS University of London, School of Law), *Human Trafficking: Afghan refugees*

The plight of Afghan asylum seekers has drawn attention to the peculiar burden of Afghan women during their travel from Afghanistan to the European fortress. The women among them have left Afghanistan due to sexual abuses and violence. They meet similar obstacles and challenges on the road. For example, some Afghan women sell themselves in marriage in Pakistan and Afghanistan, mostly temporary marriages, to be able to survive. Others sell their bodies in Turkey to buy fake passports to travel to Greece.

The argument proposed in the paper is to favor the emergence of a transnational human trafficking law which would address the main trafficking issues in the region of Afghanistan-Pakistan-Iran and Turkey. This would ensure that refugees and asylum seekers benefit from a

tailored solution which would avoid seeing them travelling as far as Europe when most seek to settle near home. The specific approach is to ensure that this new transnational paradigm to think international law is gender-orientated: women face different challenges in human smuggling and are affected differently by human trafficking. It is therefore necessary to address those differences.

The author will rely on Goodwin-Gill's criticisms of transnational refugee law but will reset the project in a new environment, with new challenges. Indeed, it is argued this new paradigm could actually have some beneficial impact in other countries and protect women more effectively during their travels caused by conflicts.

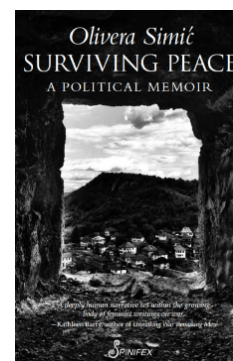
4. Leena Kotilainen (University of Turku, Finland), *Former Young Female Soldiers' Everyday Realities in Post-War Liberia*

Of all the child/youth soldiers in the Liberian civil wars (1989-1997 & 2000-2003) roughly 40% were young women. This paper, which is intended as a chapter for my PhD dissertation, introduces post-war realities of these women in four counties of Liberia. The background data of the chapter have been gathered among 133 former young female soldiers in a period of five months in 2012, 2013 and 2014. A special emphasis is placed on photographs taken by the 25 key informants of the thesis under the theme "my current life". Through these photos and their subsequent interviews, the reader is thus led, among other things, to rural cassava patches, night-time Monrovia slums and kitchens of these courageous women. Due to the recent severe outbreak of Ebola in the country, also the consequences of the epidemic are touched upon in the presentation.

12:30– 13:30 LUNCH

Please note: during lunch (12:30 – 13:00) you will have the opportunity to meet Olivera Simić for a 'Meet the Author session' introduced by Professor Dianne Otto in Syndicate Room 27.

Olivera Simić recently published her book in which she discusses paradoxes of survival and of the on-going struggle to find meaning and belonging in the aftermath of the war: *Surviving Peace: A Political Memoir*, Spinifex Press 2014.



AFTERNOON

13:30 – 15:00 Session 3 (Meeting Room 5): Roundtable chaired by Professor Mark Drumbl (School of Law, Washington and Lee University) on Girl Child Soldiers

1. Shilan Shah-Davis (UWE), *International Humanitarian Law and the "Gender" Conundrum: The Case of Female Child Soldiers* (Co-author: Noelle Quénivet, UWE)

In her article in the Australian Year Book of International Law, Judith Gardam argued that whilst the rules pertaining to international humanitarian law (IHL) profess to be 'neutral,



abstract, objective and value free', in reality, feminist critique has revealed the erroneous belief regarding the objectivity of the law and exposed that its underlying assumptions and judgements are not impartial and independent. This is also the starting point of this paper. By examining the application of IHL in the context of female child soldiers, this paper seeks to reaffirm Gardam's point of view. For instance, the concepts of a 'combatant' and 'taking direct part in hostilities' under IHL do not lend themselves to cover the female child soldier and the multitude of 'supportive' roles she may undertake during an armed conflict. In addition, the lived experiences of female child soldiers highlight the limitations of IHL. It is further contended that, if anything, alternative legal regimes (e.g. international human rights law) and 'soft law' (e.g. the Cape Town Principles Best Practices) have been relied upon to address the issues and experiences pertaining to female child soldiers. Consequently, there remains a lacuna within IHL which calls for an urgent need to further develop constructions of gender to fully accommodate the female child soldier.

2. Olga Jurasz (Open University Law School), *Prosecution of Crimes Committed against Girl Soldiers: Recent Developments, Future Challenges*

Recruitment of children under the age of 15 to participate in hostilities is explicitly prohibited by International Humanitarian Law and International Human Rights Law, in particular Art.38 CRC. However, the modern armed conflicts exposed the large scale of recruitment of girls and boys into fighting forces. Sexual violence has often been used as an element of the 'recruitment process'. Furthermore, many girl soldiers were raped, forced into sexual slavery or even forcibly married to adult fighters.

Sexual violence crimes committed against girls have been successfully prosecuted in international courts and tribunals. However, the conceptualisation and prosecution of crimes committed against girl soldiers has arguably not received similar attention and legal treatment. In effect, this oversight leads to the creation of a major gap in human rights protection of girls both during armed conflict and in its aftermath.

This paper aims to critically assess, from a gender perspective, the approaches taken in international law towards prosecuting crimes committed against girl soldiers. The basis for this analysis is the jurisprudence of the Special Court for Sierra Leone and judgment delivered by the International Criminal Court in *Prosecutor v Lubanga*. It is argued that whilst crimes committed against child soldiers have generally gained recognition in ICL, the specificity of crimes committed against girl soldiers has been only partially (if at all) addressed. In particular, the gender-specific nature of these crimes has not been fully and adequately addressed, leading to the creation of a major gap in existing international gender crimes jurisprudence.

Finally, it is argued that this important jurisprudential omission may lead to further exclusion of girl soldiers from other areas of international law applicable in post-conflict situations, such as the law on reparations (*Lubanga: Reparations decision*) for international crimes and breaches of human rights.

3. Hugh Williams (University of Warwick), *Syria's Conflict and the Use of Child Soldiers: Where do Girls Fit in?*

The Syrian civil war began in 2011. It started as a martial reaction to political demonstrations, but has developed into a brutal sectarian conflict, and, arguably, an internationalized proxy war. The rebel military groups are politically diverse. The strongest and most successful of them are presently radical Islamist paramilitary groups. That fact, and the present fighting amongst the rebels, has dissuaded proxy interests such as the US, the UK and France, who otherwise support the Free Syrian Army, from punishing the Syrian regime for chemical, and



other, attacks upon its own population. With the rise of ISIS some commentators have even glanced in the direction of the relative political 'stability' of the Syrian regime. In any event there is little hope for peace whilst the regime itself maintains the support of Iran, Hezbollah and Russia for practical and political support, and whilst the rebels are so disunited. A protracted conflict is expected. Out of all this have emerged reliable reports of the recruitment and use of child soldiers by government forces and rebel groups. There is a growing pattern of reports of the use of children, as young as twelve, as porters, guards, informers and fighters. With a protracted war the phenomenon will likely increase. The reports mostly describe the use of boys; but the recruitment of girls has also been noted. Amnesty International has reported atrocities committed by both government and rebel forces. One particular high profile atrocity has allegedly been committed by a child. As the conflict continues, do girls play a part in the fighting groups? If so, what roles do they play? Have any girls committed atrocities? If they have, what should happen to them?

4. Alexandra Mária Kiss (York University), *The Case of Girl Child Combatants in Colombia*

According to UNICEF's estimates today there are some 300,000 children involved in more than 30 conflicts worldwide, a great number of which are girls. Girl combatants are vulnerable for multiple reasons: they are deprived from their rights as children, they are abused as girls in the military ranks and those who belong to a minority group are even more exposed to vulnerability. After demobilisation, besides the general social, economic and psychological difficulties of reintegration, girl former combatants need to face extra challenges, such as adapting to the feminine role since in the armed group they were treated equally as boys and also coping with the consequences of being sexually exploited and forced to have abortion.

The presentation from my PhD project focuses on the impact of spending one's childhood in military ranks as a girl from a general perspective and focusing particularly on Colombia, where the number of child soldiers belonging to one of the illegal armed groups reaches 10,000-14,000. Based on the field work of several months that I carried out in Colombia, I am going to provide a discussion on how the Colombian government and national NGOs deal with this vulnerable group and how the individuals cope with their damaged past. Finally, recommendations will be made regarding how the special challenges of former girl child combatants should be addressed and what kind of programmes should be offered for them in order to help them become 'normal' adults and to some extent compensate them for their lost childhood.

5. Katie Lloyd (University of Ottawa), *Former Child Soldier Post-Conflict Reintegration Policy and Programme Guidelines: A Gendered Perspective*

Historically, former female child soldiers have been marginalised in disarmament, demobilisation and reintegration (DDR) programmes. DDR programmes have often made highly gendered assumptions about the roles played by former female child soldiers during their time with armed groups and about the social and economic roles they will/should play post-demobilisation. This paper looks at an under-researched aspect of gender and child DDR globally, namely the extent to which the policy documents, programme guidance and training manuals of the international and non-governmental organisations most involved in DDR (UNICEF, ICRC, and Save the Children) represent and reproduce gendered thinking about the roles, the agency and the future lives of former female child soldiers. The paper then contrasts these representations with the latest academic literature on gender and DDR.



The paper seeks to better understand how barriers are constructed for former female child soldiers during DDR programmes and where there is convergence and divergence between the gender and DDR literature on the one hand and the organisations' policy, programme guidance and training manuals on the other. In turn, this will illustrate and clarify the interplay between the academic literature and the practice on the ground. For example, how are the multiple identities female child soldiers embody during conflict—including being subjected to war violence and becoming a perpetrator of armed conflict—recognised and accounted for within DDR policies and programme guidance? Conceptual frameworks used to direct this research include a post-structural feminist lens and a critical discourse analysis.

15:00 – 15:30 COFFEE/TEA BREAK

15:30 – 17:15 Session 4: Unravelling Women in/at War

Meeting Room 5 - Roundtable 1: Gender, Masculinities and Femininities in/at War chaired by Dr Ania Zsbyzewska (School of Law, University of Warwick)

1. Rachel Hastie (OXFAM), *Gender and Conflict*

Humanitarian organizations supporting civilian populations in conflict zones bring with them culturally-determined notions of gender roles and often simplistic stereotypes of victims and perpetrators of violence. Collectively the analysis and voice of these organizations can create a compelling narrative of the roles and situation of men and women in contemporary conflicts. However often these narratives present simplistic paradigms of male aggression and female victimhood, this further perpetrating those very assumptions and stereotypes that underpin gender-based violence and gender inequalities.

This paper will draw on the experience of Oxfam and other humanitarian organizations in developing gender analysis in conflict and their experience of challenging dominant assumptions in internal analysis and public communications. It will discuss the approaches used by such agencies to simultaneously carry out inclusive gender analysis, whilst also promoting and supporting women's rights in fast-changing and highly politicized contexts. It will also discuss the internal tensions in promoting women's rights in situations where both men and women, girls and boys are systematically subjected to violence and abuse which is highly gendered in its targeting and nature.

Finally, the paper will discuss Oxfam's experiences of providing direct support to both men and women affected by conflict, abuse and human rights violations, and the pragmatic considerations, space and opportunities in the context of the work of the Special Representative and the emerging legal and policy framework relating to gender-based and sexual violence and women's participation in peace and security processes.

2. Valorie Vojdik (University of Tennessee), *Theorizing the Relationship Between Violence Against Men and Women in War*

This paper explores the invisibility of sexual violence against men during war, a phenomenon that has occurred throughout history, yet historically has been both hidden and normalized under international law. Feminists have illuminated the gendered nature of violence against women, yet have not recognized or adequately theorized sexual violence against men. Recently, the UN and many scholars has begun to focus on the needs of male victims of gender-

based violence during conflict. While some feminists fear that this will divert precious funds for female victims, this paper urges feminists to both broaden and deepen their understanding of gender-based violence.

Masculinities theory, I argue, is a valuable lens that enables us to recognize the gendered nature of violence against men, revealing the mutually reinforcing and multidimensional nature of violence against both men *and* women in society. Wartime sexual violence against men and women are not distinct phenomenon, but are inter-related and mutually constitutive. Both function as gendered tools to empower particular male groups within specific social spaces. Further, male-on-male sexual violence is part of a larger continuum of violence against men and boys within the military, as well as other social institutions such as schools, prisons, and the workplace. Broadening feminist theories of violence to incorporate GBV against men and boys provides a richer account of GBV that offers opportunities to protect the dignity of all persons during war and conflict.

3. Chloé Lewis (Department of International Development, Linacre College, University of Oxford, *Interdependent subjects: Re-examining the gendered logics of sexual violence discourse*)

The notion of ‘gender in conflict’ raises a host of assumptions about the causes, consequences and actors involved in armed conflicts. Illuminating the complex and varied roles that women play in war, feminist scholarship has long sought to complicate entrenched gendered assumptions underlying widespread representations of women in conflict. In particular, feminist analyses frequently strive to problematise the prevailing emphasis on female (sexual) vulnerabilities within mainstream accounts and responses to armed conflict, often underscoring women’s diverse manifestations of agency. While habitually presupposing a dualistic and, indeed, relational understanding of “gender”, efforts to destabilise gender in conflict rarely, if ever, critically examine concomitant (assumptions of) male subjectivities on which restrictive representations of women rely.

Engaging with evolving feminist literature on the topic, I explore three recurring male subjects of international sexual violence discourse that exist alongside and in contradistinction to the ‘oppressed’ and ‘victimised’ female. Drawing on international documentation on conflict-related sexual violence, I trace the presence and implications of the ‘Male Perpetrator’, the ‘Strategic Ally’, and the elusive ‘Male Victim Subject’. Such an analysis is rendered all the more important given recent policy and programmatic developments. These include, for instance, the shift towards engaging men and boys, as well as the adoption of Security Council resolution 2106, the first to explicitly reference “men”, and male survivors specifically. Ultimately, I demonstrate the resilience of the female victim/male perpetrator binary and its limiting effects on the spaces available to both women and men in mainstream responses to sexual violence in conflict settings.

4. Solange Mouthaan (University of Warwick), *Visible Threats - Invisible Victims*

The End Sexual Violence in Armed Conflict Summit was a momentous event gathering an impressive number of people, it also demonstrated that there is still some way to go to understand and therefore recognise and address people’s experiences of armed conflict, including that of women. In particular, it showed how men and children were still very much on the fringes of discussions.

In this paper, I explore whether conflict related sexual violence remains the sole remit of women’s experiences and what factors may contribute to this (perceptions of masculinity), but ultimately I suggest that this limits our understanding of sexual violence and may indirectly



misinform legal responses to other gendered experiences of armed conflict, such as for instance the international communities' response to the protection of children.

5. Anél Boshoff (Aberystwyth University), *Women in and at War: Caught between Law and Image*

Generalising women's experiences of war is a necessary and strategically useful tool, not only in politics, but also in law. Unless a phenomenon is named and categorised within the parameters of the legal system, it cannot be registered as a legal 'problem' with a possible legal 'solution'. This paper aims to acknowledge, but also problematize the relationship between the stereotypical images of Women in war (victims, mothers, peacemakers, keepers of the nation, etc.) and the varied realities of women's lives and experiences.

Gender (and hence the image of Women) represents in essence a structural power relationship, which very often bears little resemblance to the roles and practices of women in war. This paper will argue the importance of maintaining the difficult balance between the conceptual, but often abstract and symbolic, framework of gender, on the one side, and the concrete consequences for diverse and specific women in varied contexts of war, on the other.

Specific examples of conflict-related sexual violence will be used to analyse the potential harm caused by the entrenched and seemingly 'natural' way in which gender differentiation organises unequal access to power, resources and authority. For example: sexual violence is often regarded as ineluctably biological, as opposed to constructed/ideological, and hence women are seen as natural 'victims', rather than the equal bearers of rights. On the other hand, 'generalisations', such as the special protection afforded to women and girls in Security Council Resolution 1325 (2000) provide legal mechanisms with the potential of making real differences to women's lives.

Meeting Room 3 - Roundtable 2: Representation of Women in War chaired by Professor Shirin Rai (Department of Politics and International Studies, University of Warwick)

1. Zainab Naqvi (University of Birmingham), *Double Standards: Media Representations of Female Soldiers during the Abu Ghraib Prisoner Abuse Scandal*

In 2003, photographs were released by the media of soldiers acting in their capacity as military police officers whilst abusing prisoners at Abu Ghraib jail in Iraq. For most people, despite the fact that there were many images taken of male soldiers abusing both male and female prisoners, it is the involvement of Lynndie England, Sabrina Harman and Megan Ambuhl as well as the fact that their Commander Janis Karpinski was also female which caused a great media storm in this matter.

This paper will explore the media response to the soldiers in general and look at some of the main reasons for the media attention and treatment of the female soldiers in this context. I argue that female soldiers are treated and judged in relation to their sex which is not true of their male colleagues and this double standard has arisen out of the preservation of gendered stereotypes of femininity and masculinity in order to promote the effectiveness of the military. The stories of the female abusers were told to defend stereotypes of militarized femininity by classifying what the women did as aberrant and singular. Additionally, the war on terror is also a war of terror if we consider the abuses of prisoners by male and female soldiers. This leads us to the idea that the military and media protect these male soldiers at the expense of their female counterparts as men are considered to be an essential component of successful warfare.



2. Troy Lavers (University of Surrey), *Film and the Portrayal of Women in War & Conflict: An Analogous Representation on the Preference for the Use of Force over Peaceful Negotiations*.

The inscription on the Cenotaph in Whitehall reads the "glorious dead" which reinforces the status of the traditional combatant. The numerous films dealing with the issue of war and conflict usually fall into a few categories; the virtuous right winning over the bad or evil, or the just war message. The portrayal of women in war is similar in that they usually fit into certain familiar categories, the innocent victim caught up in fighting, the spoils of war the sexual slave, the subordinate fighter helping the cause. Rarely do we see films about war and conflict where the women are leaders, orchestrators, decision makers and negotiators. In this way it is representative of reality that women are generally not in the seat of power to make these crucial decisions. The portrayal of women in films on war and conflict supports this analogy, the conflict and all that entails is more interesting than the peace or any negotiations. There is no xbox game dedicated to the peaceful resolution of conflict where points are deducted for threatening military action in fact. Our cultural reference points in film for the most part are reinforcing the idea that might is right and women are relegated to roles such as victims /helpers to be saved. The narrative repeats: the hero is the strong leader who wins the conflict, not someone who is interested in negotiations and peace building or even thinks about representing both genders who experience war and/or conflict.

3. Gioia Panzarella: *War representations in migrant writings: Serdakowski's 'Katerina e la sua guerra'* (University of Warwick)

War, exile and diaspora are often at the centre of migrant writings. Referring to the Italophone context, I will focus on a recent novel by Barbara Serdakowski, *Katerina e la sua guerra* (2009) (transl. "Katerina and her war"), which offers an intimate and universal portrait of a woman during a conflict and in her post-conflict life. On the one hand, in the first, longer part of the novel, the two main characters – an unnamed woman and her newborn daughter Miriam – are protagonists of a desperate flight from their unnamed hometown, which was destroyed during the conflict. The mother is the first-person narrator of her life during the war, which is the reason why she loses everything, her home, her mother and her husband, and which forces her to escape from hunger and violence and look for a better future. At the end of the war, when she leaves the refugee camp, the need to build a new identity for her and for her baby urges the protagonist to change her daughter's name into Katerina. On the other hand, the second part of the novel recounts of the grown-up Katerina, a young woman who traces her mother's solitude and in-communicability back to the war, without fully understanding her life and her tragedy. After a short introduction concerning the author and her role as a female writer, poet and performer within the Italophone migration literature, this paper will explore *Katerina e la sua guerra*, and especially the themes that arise from a reading that enhances some peculiarities of migration writings.

4. Hannah Baumeister (Aberystwyth University), *Painting a Picture: Forced Marriage*

In the graphic novel *Army of God: Joseph Kony's War in Central Africa*, David Axe and Tim Hamilton address the crime of forced marriage in times of violent conflict. They describe the abduction of Patricia and place a focus on how a fighter of the Lord's Resistance Army chooses her as his wife. It is stressed that she is primarily treated as a sex slave who has to face the brutality not only of her forced husband, but also of jealous other fighters. She is a victim and witness. However, she is also expected to kill as an initiation into the group. Thereby, she would become a perpetrator.



The latter part of a forced wife's reality was disregarded when the Rome Statute and the Elements of Crimes of the International Criminal Court were drafted. The Women's Caucus for Gender Justice saw forced wives as victims and understood forced marriage to be a form of sexual slavery. Therefore, it was not explicitly included in the list of sexualised crimes as found in the war crimes and crimes against humanity provisions of the instruments.

The aim of this presentation to explore why the Women's Caucus viewed forced marriage as a form of sexual slavery, rather than as a crime in and of itself. Which conflicts informed their understanding? On what kind of information was it based on? How was their interpretation influenced by their understanding of forced marriage as a temporary union?

5. Roxanne Bibizadeh, *Negotiating Borders in Betoool Khedairi's A Sky So Close*

Betoool Khedairi's symbolically unnamed female protagonist, is born, like her, in Iraq to an English mother and Iraqi father. Her novel *A Sky So Close* documents the life of a child born of two seemingly disparate cultures. Set predominantly in Iraq, the novel is narrated from first and second person perspective, and infused with a direct address to her father. The novel uses an oppressive government, the Iran-Iraq war, and the Gulf war, as a motif for the conflict in both the private and public sphere, to enable Khedairi to symbolically represent the narrator's life in binary terms and to examine the gendered politics of citizenship.

The narrator is continually pulled in two directions by her parents' conflicting approaches to her childhood upbringing. This paper will explore how a person of mixed race, travelling between two countries and cultures attempts to cross borders, negotiate a space, and a sense of belonging. I will also investigate the author's portrayal of a mixed race identity, in order to interrogate preconceived perceptions of "hybridity". In contrast to Rajaqopalan Radhakrishnan's analysis of "metropolitan" hybridity,ⁱ Khedairi's protagonist embodies the sense of dislocation that characterises postcolonial hybridity (Al Maleh 4), because she feels alien in both England and Iraq. I contend that Khedairi's protagonist remains lost within agonising dislocation, this is in itself a form of protest, because as Radhakrishnan suggests "[a]ll hybridities are not equal" (159), and therefore her refusal to celebrate her "hybrid" identity is emblematic of a refusal to engage in the reality of unequal, asymmetrical representations of her identity.

17:30 – 18:30: The University of Warwick, School of Law cordially invites you to a Drink Reception in Scarman House, Small Bar



DAY 2 – FRIDAY 19th SEPTEMBER 2014

MORNING

9:00 – 9:30 Session 5 (Meeting Room 5): Reflections by Professor Mark Drumbl (School of Law, Washington and Lee University) on ‘After War: Masculinities and Femininities in Transitional Justice’

9:30 – 11:00 Session 6 (Meeting Room 5): Gender Justice – International Perspectives chaired by Olga Jurasz (Open University)

1. Dianne Otto (Law School University of Melbourne), *Testimonies of Protest and Survival: Justice beyond the Law*

By reflecting on my experience as a member of the panel of experts at the Asia-Pacific Regional Women’s Hearing on gender-based violence in conflict, held 10-11 October 2012, in Phnom Penh, I explore the differences between the justice offered for victims by the criminal law and by community-based tribunals that operate outside or beyond the law. Also drawing from the goals and experience of other people’s tribunals, I tease out the implied critique of criminal justice and discuss the alternative conceptions of justice, beyond the criminal law, that are being imagined and performed.

2. Priya Gopalan (ICTY (OTP) currently OHCHR), *Equal at last? Breaking barriers and pursuing parity: sexual violence in the Kosovo conflict – the cases of Sainovic et al. and Djordjevic.*

In its two most recent appeals judgments of *Sainovic et al.* and *Djordjevic* (January 2014), the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY) has advanced the equal treatment of crimes of sexual violence in international law. Crimes of sexual violence were held to be at par with other violent crimes. The accused - six members of the Serbian leadership - were found guilty of sexual assaults committed by their troops during the ethnic cleansing campaign unleashed in Kosovo in 1999. Acknowledging that the limitations of the legal process necessitate justice beyond the courtroom, the author advocates a survivors-centred approach that should include rehabilitative and reparative components.

The author will begin by arguing that these judgments rightfully place crimes of sexual violence alongside other serious crimes. The *Djordjevic* Chamber emphasised that crimes of sexual violence should not be treated differently from other crimes because of their sexual component - representing a significant stride away from the historical view that sexual violence is a second class crime, incidental to war. In contrast, recent domestic law in Kosovo does not recognise survivors of sexual violence as victims of the 1999 conflict. Consequently, it fails to afford equal treatment to these crimes alongside other conflict-related crimes. Survivors are deprived of access to medical support, educational and economic opportunities – effectively, the tools to rebuild their lives post-conflict. The author will conclude by making recommendations for a fairer future where justice flows from the courtroom into the daily lives of survivors.

3. Olivera Simić, (Griffith University, Australia) *Deconstructing Sexual Violence Hierarchies: Rape, Silence and Denial in ‘Perpetrator’ Populations*



The condemnation of wartime sexual violence as a gross violation of human rights has received widespread support in academia, international law, as well in celebrity activism, mass media reporting, and non-governmental and governmental initiatives. While rape and other forms of sexual violence have attracted considerable local and international attention, this recognition is predicated on an 'ideal' victim subject. This paper examines the excluded or silenced narratives of wartime sexual violence among women belonging to so-called 'perpetrator' war-torn nations. In the paper, although these denials and silences are contextualised more generally, I specifically focus on the silence surrounding Bosnian Serb women's experiences of wartime sexual violence within academic, legal and public discourses. I argue that the current discourse on wartime sexual violence results in the construction of a problematic victim hierarchy that excludes 'other' women's experiences of sexual violence during and after armed conflict.

4. Katerina Uhlirova, (Faculty of Law, Masaryk University), *Forced Marriage as a Crime Against Humanity: False Expectations in the Gender Jurisprudence?*

11:00 – 11:30 COFFEE/TEA BREAK

11:30 – 13:00 Session 7 – Women and Military Might

Meeting Room 5 – Women in the Military chaired by Professor Ryszard Wilson Piotrowicz (Department of Law and Criminology, Aberystwyth University)

1. Claire Duncanson (University of Edinburgh), *Regendering the Military, Regendering Security*

Does increasing the number of women in the military, or opening up combat positions to women, represent progress for gender equality? These questions have long been debated by feminists. In the shift of western militaries to focus on stabilisation and peacebuilding operations, the debate has shifted somewhat. Some feminists have argued for women in the military not so much because it is their right and their passport to full citizenship, but because of particular skills women soldiers might bring to the job. This represents an interesting merger of liberal feminist 'inclusion' and radical/difference feminist 'reversal' arguments. Drawing from feminist debates in other contexts, where many have criticised the strategies of inclusion and reversal and have argued for 'displacement' – a thorough deconstruction of gendered dichotomies by highlighting their artificiality and fluidity, I will be discussing the benefits and risks of the strategies of inclusion and reversal, their merger in the 'women as peacekeepers' debates, and asking what a strategy of 'deconstruction' would look like in a military context. I will suggest that it might take the form of a 'regendered military' and that this regendered military can be seen as both bringing about, and depending on, a regendering of the concept of security. Throughout, I will be drawing on recent research with women in the British armed forces, and their experiences in Afghanistan in particular.

2. Jenny Mathers (Aberystwyth University), *Medals, Heroism and Militarised Masculinities after 9/11*

This paper explores gendered dimensions of military heroism through an examination of the awarding of military medals and honours by the US government to soldiers who have fought in the post-9/11 wars in Afghanistan and Iraq. Military heroism is a complex and multifaceted concept that is understood in a variety of ways. A military hero can be one who is instrumental



in defeating (killing) the enemy, and thus displaying behaviour that is traditionally associated with masculinity, or it could be a soldier who puts him- or herself in danger to protect or rescue fellow soldiers or civilians – caring, nurturing behaviour more frequently associated with femininity. The paper will analyse the circumstances through which American soldiers have received military medals and honours in an effort to further complicate our understandings of both military heroism and militarized masculinity.

3. Elizabeth Mesok (Harvard University), *US Service Women in Iraq and Afghanistan the Gendered Labor of Counterinsurgency*

Culled from personal interviews I conducted with U.S. female soldiers and marines who served in Iraq and Afghanistan, this paper considers the complexity of gendered and racialized identities and performances within the context of neocolonial occupations. During these wars, the U.S. military recognized the value of gendered military labor for counterinsurgency warfare. In Iraq, U.S. female soldiers and marines were used to comfort women and children during home raids as well as to search women during checkpoints. In Afghanistan, Female Engagement Teams (FETs) were created and dispatched to rural areas as humanitarian liaisons, hearing local grievances and acting as intermediaries. U.S. commanders, albeit initially surprised by the Iraqi and Afghan civilian's allegedly positive reactions, capitalized on the affective and intimate labor performed by servicewomen within the theatre of war. I examine how the women understand themselves as empowered subjects through the enactment of combat and counterinsurgency, as well as how the U.S. military has managed to harness and leverage gender difference through the extension of putative military equality to servicewomen. While making these women's experiences visible is important for counteracting maledominated war narratives and for recognizing these women as agents rather than merely subjects of history, I do not treat their experiences as irreducible truths. Instead, I read the narratives as textual traces of the ways in which the gendered identities and performances of American women are constructed and contestable, and deemed invaluable for civilianfocused counterinsurgency warfare.

Meeting Room 3 – Women, IHL and Peacekeeping chaired by Anél Boshoff (Department of Law and Criminology, Aberystwyth University)

1. Orly Maya Stern (LSE), *The Principle of Distinction and Women in African War*

International humanitarian law's principle of distinction regulates who can and cannot be targeted in conflict, stating that combatants and those 'directly participating' in hostilities may be lawfully targeted, while civilians may not be. The law defines what it means to be a combatant and a civilian, and what behaviour constitutes direct participation. The laws of distinction are gender-neutral. However, closer examination reveals that the laws were based on a gendered view of conflict that envisaged men and women playing particular roles; men as fighters and women as victims of war. Problematically, this view does not accord with the situation on the ground today.

Across the African continent women participate in armed groups, in both combat and support functions. While sometimes women fight on the front lines, frequently, women contribute in gender specific ways. However the narrow framing of the laws of distinction means that many of the roles that women typically play are not recognised as combatancy or 'direct participation' - even where women are actively engaged in armed movements. Women therefore operate in armed groups, as civilians, with their participation not reaching a threshold allowing for them to be lawfully targeted. While this does provide more women with legal protection from attack, there are also indirect negative consequences. Using women's



participation in African conflict as an illustration, this talk will critically examine the principle of distinction through a gendered lens, questioning the extent to which it serves to protect women and the extent to which it fails them.

2. Kate Grady (SOAS, University of London), *Sexual Violence against Women During and Post-Conflict – Are UN Peacekeepers Part of the Solution or Part of the Problem?*

Numerous recent UN Security Council Resolutions emphasise the important role of UN peacekeeping personnel in both preventing and documenting sexual violence against women by parties to a conflict. What has received less attention from the Security Council (and other bodies) is the manner in which sexual exploitation and abuse of local civilians by UN peacekeepers contributes to conflict. This paper will consider the issue of sexual exploitation and abuse by UN military peacekeepers and present the little-explored juxtaposition of peacekeepers as both preventers and perpetrators of sexual violence in conflict and post-conflict zones. The paper will then consider the challenge of using existing international legal standards to hold military peacekeepers to account for sexual exploitation and abuse, particularly in light of the jurisdictional arrangements which apply to such personnel and the immunity from which they benefit.

3. Alice Welland (Utrecht University), *The UN on Peacekeeper Sexual Exploitation and Abuse: In Limbo Between ‘Boys Will be Boys’ and ‘Zero Tolerance’*

For over a decade the media has been littered with damning reports surfacing from the UN, detailing persistent sexual exploitation of women and girls in post-conflict societies at the hands of UN peacekeepers. In these years the reaction of the UN swivelled 180 degrees from ‘boys will be boys’ to ‘zero tolerance’. A wealth of UN reports condemn those contingents against whom allegations of sexual misconduct are submitted, yet relatively few reports participate in constructive dialogue on prevention, save for the ubiquitous mention of ‘gender training’ in the women peace and security resolutions. As focus grows on women’s bodies in armed conflicts – as sites of violence and used as weapons of war – the attention of the international community is drawn away from deeply embedded practices and beliefs, which enable peacekeeper sexual misconduct to continue. Whilst recognition of the issue has undoubtedly increased, developments seem reactionary, and the limits to well-intentioned preventative initiatives cannot be denied. The UN has tiptoed around addressing the constructed representations of women in ‘peace’; they are vulnerable, passive, promiscuous, and in need of the not unambiguously worded ‘empowerment’. Yet in its resolutions – its only binding communication to the broader international community – the Security Council has largely failed to engage with the link between projected stereotypes and sexual misconduct. This paper therefore seeks to assess the extent to which the international regulatory framework presently acts to prevent sexual misconduct of peacekeepers, and examines the necessity for a deeper understanding of post-conflict gendered stereotypes in mainstream international law.

4. Georgina Holmes (University of Portsmouth), *Integrating Rwandan Women Peacekeepers*

The UN Security Council’s adoption of Resolution 2122 in October 2013 puts in place stronger measures for women to participate in all phases of conflict prevention, resolution and recovery, while emphasising the role of women in leadership in conflict resolution and peace building. This new resolution further strengthens Resolution 1325, which seeks to integrate women into formal peace processes, while recognising that women’s informal participation has played an important role for some time.



In Rwanda, the integration of women into formal peacemaking and peace building is set out in the Rwanda National Action Plan (NAP) 2010-2012. The NAP recognises the requirement to bring a gendered perspective to peacekeeping operations and for field based operations to include a gender component. This policy document coincides with the growth of Rwanda's involvement in peacekeeping operations more broadly and Rwanda is now the sixth largest contributor of peacekeepers in the world. Among their ranks, there are some 100 women peacekeepers. Challenging mainstream assumptions that African women are victims of war, this paper will consider how African women are carving out their own roles as agents of security. The paper will first examine recent theorising of women in wars in Africa, before examining the role of African women as agents of security, focusing specifically on Rwandan women peacekeepers. Drawing on recent fieldwork, the paper explores how Rwandan women understand and define themselves as 'peacekeepers', and considers how Rwandan women's interpretation of their role supports or challenges categories of gendered agency located in international policy discourse on peacekeeping.

13:00 – 14:00 LUNCH

AFTERNOON

14:00 – 15:30 Session 8: Women as Participants

Meeting Room 5 – Perpetrators of Sexual Violence chaired by Solange Mouthaan (School of Law, University of Warwick)

1. Alette Smeulders (Tilburg University), *Female Perpetrators*

On 24 June 2011 Pauline Nyiramasuhuko was found guilty and sentenced to life imprisonment by the International Criminal Tribunal for Rwanda for her leading role in the genocide and commission of widespread rape in Butare. She was the first woman ever to be convicted by an international criminal court or tribunal for genocide and sexual violence. The only other woman who has been convicted by an international criminal tribunal was the Serbian politician Biljana Plavsic – who pleaded guilty and was convicted for persecution as a crime against humanity by the International Criminal Tribunal for former Yugoslavia on 27 February 2003. Over 280 men have been convicted by international criminal courts and tribunals and these two women thus represent less than 1% of all people convicted by such courts and tribunals. This paper addresses why there are so few female perpetrators convicted and whether women are less capable of committing mass atrocities than men. In order to answer these questions a literature survey on the role of women within periods of mass violence has been conducted. It has been assessed what kind of roles women have played in such periods so far and how significant and extensive their involvement has been. The second aim was to explore why so many more men than women are generally involved; whether the roles of men and women differs and to what extent women have other reasons and motives than men to get involved in mass atrocities.

2. Annette Bringedal Houge (Department of Criminology and Sociology of Law, University of Oslo), *Perpetrators of Sexualised War Violence – Etiology constructions at the ICTR, ICTY, and Abu Ghraib Court Martials*



A few decades ago, sexualized war violence was underreported, under-analyzed and considered an inevitable consequence of warfare, irrelevant to war and politics as such. Today, sexualized war violence is a vast and growing field of research, involving multiple disciplines, while it is also an increasingly important concern for international security politics and international criminal law. Against this backdrop, there is a conspicuous lack of thorough qualitative research on perpetrators of sexualized war violence. When the experiences of individuals who directly commit sexual violence in wartime are excluded from studies of the phenomenon, a comprehensive understanding is difficult to achieve.

In this paper I address this perpetrator vacuum in sexualized war violence research. I conduct a qualitative, comparative analysis of court documents from cases involving sexual violence charges against direct perpetrators before the International Criminal Tribunal for Rwanda, the International Criminal Tribunal for the former Yugoslavia and the courts-martial following the Abu Ghraib offenses committed by US troops in Iraq. I approach the material with a special emphasis on how perpetrators and etiologies are constructed by these institutions.

Taking the courts' situated search for the truth in relation to specific past offences, and the paradox of the celebration of feminist legal strategies that materializes in individualization of guilt vis-à-vis the dominating social and structural weighting of feminist theories on war rape and sexual violence into consideration, I discuss if and how court narratives can inform our interpretations and understandings of sexualized war violence.

3. Shona Patience (Lincoln University), *The Darker Side of Conflict: The case of Simone Gbagbo*

This paper analyses the other, and darker, side of gender and conflict through a critical discussion of women who are accused of orchestrating and/or perpetrating crimes defined within the Rome Statute 1998. The paper's focus is centred on the International Criminal Court case of Simone Gbagbo in relation to the internal political violence that occurred within the Côte d'Ivoire following the 2010 general election result. The International Criminal Court unsealed an arrest warrant for Simone Gbagbo on the 22nd of November 2012, alleging responsibility as indirect co-perpetrator for four counts of crimes against humanity which includes, but is not limited to, murder, rape and other sexual violence, persecution and other inhumane acts.

This paper critically examines the Côte d'Ivoire's situation within the context of Simone Gbagbo's involvement, to ascertain what role she played within the post-electoral violence and discuss why, and under what grounds, the International Court has sought her arrest and prosecution.

It seeks to establish the unfortunate changing role of women not only as victims of internal political violence, but also as possible orchestrators of that violence against their own gender. Finally, this paper seeks to ask; why are women becoming increasingly involved in orchestrating and perpetrating these types of crimes in the twenty-first century?

Meeting Room 3 - Transitional Justice chaired by Professor Ryszard Wilson Piotrowicz (Department of Law and Criminology, Aberystwyth University)

1. Tiina Pajuste (Cambridge University), *Women in Post-Conflict Settlements*

This paper will look at the role that women play in post-conflict peace settlements and relate it to the gender mainstreaming policy of the UN. Gender mainstreaming has been on the UN agenda in relation to conflict resolution since 2000, when the Security Council passed Resolution 1325, which called for an enhanced female participation in the prevention,

management and resolution of conflict. This was reaffirmed in Resolution 1889 from 2009, which urged “Member States, international and regional organisations to take further measures to improve women’s participation during all stages of peace processes, particularly in conflict resolution, post-conflict planning and peacebuilding”. The paper will examine the effect of this gender mainstreaming policy on peace negotiations (and resulting agreements) that have been taken place since the adoption of that policy. The discrepancy between the content of policy documents and reality on the ground will be looked at and emerging trends analysed. The paper will draw on the work that the Legal Tools for Peace-making Project (based at the Lauterpacht Centre in Cambridge) has carried out – categorising and analysing around 1000 peace agreements. It will study which issue areas of post-conflict settlements address the participation and/or needs of women, and how; contrasting these with areas where such considerations are lacking. Questions will be asked about whether gender mainstreaming can often times remain a purely formalistic endeavour whereby women are sidelined in practice.

2. Barbara Trojanowska (Norwegian Centre for Human Rights, university of Oslo), *National Action Plans on Women, Peace and Security and the Objective of Gender Equality*

The paper will explore employing institutional and discursive analysis to assess the transformative potential of National Action Plans (NAPs) on Women, Peace and Security for achieving the objective of gender equality in post-conflict settings. The 44 existing NAPs are typically very different and entail diverse policies on gender, peace and security. They both create opportunities and present risks for gender equality as a long-term objective, and their impact has proven to be uneven. The paper aims to reflect upon the advantages and disadvantages of combining institutional and discursive analysis to interrogate the effects of policies on gender, peace and security on enhancing gender equality in a long-term haul. The main research question is the following: What can be accomplished by employing the combination of institutional and discursive analysis to research the impact of policies on gender, peace and security? I aim to show that this dual focus on bureaucratic and normative change (institutional analysis) on the one hand and language and meaning change (discourse analysis) on the other hand, is crucial to address the extent to which the policies are able to bring about political transformation, as well as the extent to which they may inadvertently maintain the existing structures of gender inequality. The paper will ultimately present methodological insight for the discussion on how to assess the impact of National Action Plans on Women, Peace and Security on gender equality.

3. Charlotte Hille (University of Amsterdam), *Women Peace Negotiators in the Caucasus: Making a Difference*

In the past decade the percentage of female peace negotiators has increased, although they still form a serious minority on the governmental level. The UN expects the percentage of women participating in peace negotiations to increase. The basis for this forms UN SC Resolution 1325. In the Caucasus region there are several female peace negotiators. They are head of a governmental negotiation team, or member of a governmental negotiation team in the negotiations over Nagorno Karabakh and Abkhazia.

This article, based on interviews with the female negotiators, investigates how women negotiators perceive the peace negotiations, what the advantage of them being a woman is for them, and what their priorities are at the negotiation table and when drafting the agenda. This will be compared to the theoretical academic debate on women and peace negotiations, as formulated by Christine Chinkin and Hilary Charlesworth.



This ground breaking research sheds important light on the little-studied peace negotiations in the Caucasus and investigates the influence of women negotiators in the peace negotiations. Therefore this research will provide insight in the negotiating style of women actively involved in peace negotiations in a region that has experienced territorial and ethnic conflicts for over twenty five years.

4. Helen Kezie-Nwoha (Isis Women's International Cross Cultural Exchange (Isis-WICCE)), *Women's Participation in Post Conflict Reconstruction: the case of Burundi, Liberia and Sierra Leone*

The paper will present the findings of a research carried out to analyze the extent to which post conflict reconstruction efforts have implemented national commitments for women's participation in post-conflict reconstruction and rehabilitation processes, as provided for in United Nations Resolution 1325. The study, which focused on three countries - Burundi, Liberia and Sierra Leone took a feminist stance, which assumes that women's lives offer 'situated knowledges' of gendered meanings of post-conflict reconstruction efforts.

Based on semi-structured interviews and focused group discussions with women's activists, the research considered diverse expressions of femininity that speak to notions of 'peace' in terms of local women's groups contribution to post-conflict reconstruction efforts as well as their resistance to patriarchal interpretations of 'post conflict reconstruction'

Each country has developed National Action Plans for the implementation of UNSCR1325, and other policies to address SGBV such as National Gender-based Violence Plan of Action in Liberia. In 2009, Burundi changed its Criminal Code so that perpetrators of sexual violence can be sentenced to life imprisonment with no possibility of amnesty; in 2007, Sierra Leone enacted three laws that directly related to sexual violence experienced by women during the war. The Domestic Violence Act, for example provides for free medical examination, treatment and certificate for survivors of domestic violence. The research reveals a selection of perspectives on the extent to which these political shifts might have positively affected women's lives in each country.

15:30 – 16:00 COFFEE/TEA BREAK

16:00 – 17:30 Session 9 (Meeting Room 5) : Gender Justice – National Perspectives chaired by Dr Ana Aliverti (School of Law, University of Warwick)

1. Chante Lasco (WCRO), *Impact of ICL tribunal on Domestic Tribunals – Bosnia Herzegovina*, (Co-Author: Susana SaCouto, American University Washington)

As in other conflicts, accountability for the tens of thousands of sexual and gender-based crimes that occurred during the conflict in Bosnia-Herzegovina (BiH) has been sporadic and slow. Although over half of the International Criminal Tribunal for the former Yugoslavia (ICTY) convictions implicate sexual and gender-based violence (SGV) in some way, the vast majority of cases of war-time atrocities fall outside of the ICTY's focus on senior leaders. Thus, as the ICTY winds down its work, jurisdiction over almost all war crimes and other serious crimes related to the conflict has shifted to regional domestic courts. Yet, significant challenges remain at the domestic level. For instance, while the War Crimes Section of the State Court of BiH (WCS-BiH) – which had significant international assistance until December 2012 - has convicted at least 26 individuals of SGV crimes, Bosnian prosecutors are facing a severe shortage of resources, not to mention significant political pressure affecting all war crimes prosecutions. This paper proposes to examine the effect of temporary international support on



the ability of national domestic systems to combat impunity for SGV crimes occurring in the context of conflict, using the situation in the BiH as a case study.

2. Sinéad Walsh (Trinity College Dublin), *Gender Justice or National Justice? Exploring Peace and Security Discourse in Armenian Women's Organisations*

The United Nations discourse on Women, Peace and Security has filtered through to women's organisations at the grassroots level worldwide, changing the way women's activism is framed in post-conflict settings. However, studies which critically explore the rifts between UNSCR 1325 and local women's activism often lag behind theoretical debates on the Women, Peace and Security agenda and the question of its implementation by intergovernmental and state bodies. This paper, which is mainly empirical, concentrates on the work of women's organisations in the post-Soviet Republic of Armenia, following the 1991-1994 war with neighbouring Azerbaijan in support of the breakaway Nagorno-Karabakh region. The paper is based on fieldwork, including interviews and participant observation, conducted in Armenia and the wider region in 2012-2014. It focuses on the development of a women's agenda on peace and security, including both the strengthening of Armenian-Azerbaijani cross-border dialogue and the creation of a civil society monitoring group on UNSCR 1325. It argues that while Armenian women's peace initiatives build on local feminist discourses on nonviolence, empowerment and participation, they are also marked by struggles around the definition of the nation, self-determination, security and justice. As a result, tensions remain not only between the women of Armenia and Azerbaijan, but also across civil society in Armenia and Nagorno-Karabakh.

3. Kim Inksater (justgovernancegroup), *Prosecuting Sexual Violence against Women – Justice Mechanisms in Pluralistic Transitional Contexts*

How should cases of sexual violence be dealt with in countries characterized by both armed conflict and legal pluralism? This question is especially relevant, and worthy of further exploration, when multiple justice systems are operating in a country.

The paper will query whether customary, community, or traditional justice systems can respond to international norms related to the prosecution and sanctioning of crimes of sexual violence against women post armed conflict. Can these traditional or community-based mechanisms be as effective as state justice systems or specialized tribunals in this regard?

First, the paper will review the objectives and good practices identified in existing literature regarding transitional justice, especially related to women's participation and agency. Second, it will examine international norms related to the prosecution and sanctioning of acts of sexual violence against women perpetrated by armed actors. Third, it will assess the literature available on actual use of traditional community justice systems post armed conflict (for example the use of Gacaca courts in Rwanda) to identify whether women found these justice mechanisms to meet their transitional justice and whether international norms related to violence against women in situations of armed conflict were taken into account by the judicial authorities. Finally, observations on whether international norms and guidelines and transitional justice strategies need to be re-considered or re-framed to respond to sexual violence against women in the framework of legal pluralism will be discussed by the author.

CLOSING REMARKS

